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PATENT **\$**

Page 1 of 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**PATENT APPLICATION**

In re Application of: **Vogel, et al.** Attorney Docket No.: **DIVA-244**  
Serial No.: **09/540,178** Group Art Unit **2611**  
Filed: **March 31, 2000** Examiner: **Nalevanko, Christopher R.**  
Confirmation #: **2614**  
For: **METHOD AND APPARATUS OF LOAD SHARING AND  
IMPROVING FAULT TOLERANCE IN AN INTERACTIVE VID  
DISTRIBUTION SYSTEM**

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. 1.313(c)**

**Mail Stop 313(c)**  
**COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Dear Sir:

Under the provisions of 37 C.F.R. 1.313(c), Applicants respectfully request the Commissioner to withdraw the above-identified patent application from issue.

The issue fee for this application was paid on March 30, 2005. As such, Applicants are filing this Petition to permit consideration of an Information Disclosure Statement under 37 C.F.R. 1.97 in an RCE application in compliance with 37 C.F. R. 1.114 being filed concurrently with this Petition. The documents listed in the Information Disclosure Statement were the subject of a Supplementary European Search Report in a related European Patent Application. Such search report was received by Applicants' attorneys on April 20, 2005.

In accordance with 37 C.F.R. 1.313(a), kindly charge the \$130 Petition fee, and any additional fees, as appropriate, to Deposit Account No. 20-0782/SEDN/244. To facilitate such charge, a duplicate copy of this Petition is attached.

Respectfully submitted,

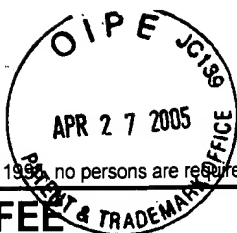
Dated: 4/26/05

*E J Wall*

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04/28/2005 HALI11 00000005 200782 09540178  
01 FC:1464 130.00 DA

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/540,178
Filing Date	03/31/2000
First Named Inventor	Vogel
Art Unit	2611
Examiner Name	Nalevanko, Christopher R.
Attorney Docket Number	DIVA-244

**Enclosed is a paper filed under 37 CFR 1.313(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)).**

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, (e.g., Mail Stop Petition), if applicable. For transmittal of petition fees under 37 CFR 1.17(i) see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 20-0782/SEDN/244:
- ☒ processing fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

EAMON J. WALL

Typed or printed name

April 26, 2005

Date

39,414

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.